Message

From: Dinsmore, Andrew [Dinsmore.Andrew@epa.gov]
Sent: 1/8/2018 2:30:42 PM
To: jennifer.roushey@state.de.us [Jennifer.Roushey@state.de.us]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Ashby, Bryan A. (DNREC) [Bryan.Ashby@state.de.us]
CC: Hayes, John G. (DNREC) [John.Hayes@state.de.us]; McGuigan, David [McGuigan.David@epa.gov]; Crane, Rebecca [crane.rebecca@epa.gov]; Cohen, Amy [Cohen.Amy@epa.gov]; Bennett, James [bennett.james@epa.gov]
Subject: RE: Citizen's Complaint (FY18-165061-3800-CV)

Jenn,

No worries. Understood. I hope all is well weather-wise now. Although it looks like you'll be getting some of this ice storm tonight, just like us.

Thank you for the detailed response. It was very helpful and greatly appreciated!

Andy Dinsmore
NPDES Enforcement Branch Chief
US EPA, Region III
215-814-2788

From: Roushey, Jennifer S. (DNREC) [mailto:Jennifer.Roushey@state.de.us]
Sent: Monday, January 08, 2018 8:48 AM
To: Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Ashby, Bryan A. (DNREC) <Bryan.Ashby@state.de.us>
Cc: Hayes, John G. (DNREC) <John.Hayes@state.de.us>; McGuigan, David <McGuigan.David@epa.gov>; Crane, Rebecca <crane.rebecca@epa.gov>; Cohen, Amy <Cohen.Amy@epa.gov>; Bennett, James <bennett.james@epa.gov>
Subject: Re: Citizen's Complaint (FY18-165061-3800-CV)

Hi Andy,

Sorry about the delay in response....the blizzard hit pretty hard in my area last week so us Sussex County folks were on emergency leave Thursday and Friday.

Please see a response to your questions below. Let me know if you need additional detail or if I've missed anything.

Regards,
Jenn

Environmental Program Administrator
Director's Office
DNREC - Division of Water
302-739-9949

From: Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>
Sent: Thursday, January 4, 2018 12:10 PM
To: Greenwald, Michael; Roushey, Jennifer S. (DNREC); Ashby, Bryan A. (DNREC)
Cc: Hayes, John G. (DNREC); McGuigan, David; Crane, Rebecca; Cohen, Amy; Bennett, James
Subject: RE: Citizen's Complaint (FY18-165061-3800-CV)

Hey Jenn. Thanks for the update. But just for clarity and my complete understanding...

Has there been an assessment of potential runoff from the spray irrigation activities?
Our wastewater spray irrigation permits in general are structured in a manner that prohibits ponding and runoff from spray activities. This particular permit allows for wet weather spraying (an allowance that none of our other permittees have, but we think may have been granted in the early 2000s to allow Mountaire to transition from stream discharge to spray.). Once notified of the upset, DNREC directed Mountaire to cease all wet weather spraying, and spraying during windy conditions; this was done as a precaution due to the high bacteria numbers and not due to observed or reported runoff conditions. Their operations permit already prohibits spraying on saturated and/or frozen fields to prevent ponding and runoff. This facility holds NPDES Industrial Storm Water General Permit coverage and was in a compliant status. We will have our Industrial Storm Water team inspect as our investigation into the event continues. In addition, via our NOV we are requiring surface water monitoring moving forward to gauge impacts to surface waters bordering the facility.

My understanding is that if these activities are taking place in such a manner as to discharge via overland/surface pathways to a conveyance system (ditch, swale, and/or waterway) that would lead to a waterway, that the activities would then be out of compliance and could become a NPDES/Surface Water issue.
That is also our understanding. They are not permitted to discharge wastewater to stream. If spray activities are being performed in a manner that allows wastewater runoff to a storm water conveyance or directly to surface waters, then that would be a violation of their NPDES Industrial Storm Water permit and their Onsite Wastewater Treatment and Disposal Spray Permit.

Could you or others confirm? Do either Mountaire or its operator keep discharge records, including discharge volumes, soil conditions, and antecedent weather conditions?
Yes, the wastewater operators at Mountaire, currently Tidewater Utilities, include (2) Level IV and (1) Level III operators. These operators maintain daily logs of all records, volumes, and conditions at the facility. Soil conditions are assessed as part of the permitting process and are taken into consideration when establishing permit conditions.

Thanks again!!!
Andy Dinsmore
NPDES Enforcement Branch Chief
US EPA, Region III
215-814-2788

From: Greenwald, Michael
Sent: Thursday, January 04, 2018 11:23 AM
To: jennifer.roushey@state.de.us; Ashby, Bryan A. (DNREC) <Bryan.Ashby@state.de.us>
Cc: Hayes, John G. (DNREC) <John.Hayes@state.de.us>; Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>
Subject: RE: Citizen's Complaint (FY18-165061-3800-CV)

Thank you for the update Jenn.

Mike

From: Roushey, Jennifer S. (DNREC) [mailto:Jennifer.Roushey@state.de.us]
Sent: Thursday, January 04, 2018 10:41 AM
To: Greenwald, Michael <Greenwald.Michael@epa.gov>; Ashby, Bryan A. (DNREC) <Bryan.Ashby@state.de.us>
Cc: Hayes, John G. (DNREC) <John.Hayes@state.de.us>
Subject: RE: Citizen's Complaint (FY18-165061-3800-CV)

Thanks Mike,

You are correct, this issue is being addressed by our Groundwater Discharges Section of DNREC for violations of Mountaire's Onsite Wastewater Treatment and Disposal Spray Irrigation Permit and the Safe Drinking Water Program at EPA. There is no NPDES cross-over at this time. Mountaire has been working under a DNREC NOV to address the WWTP upset and elevated area nitrates and has proactively been working with the community to address area drinking water concerns. DNREC still is pursuing an ongoing enforcement investigation concerning the violations at the Mountaire facility and continues to communicate weekly with Mountaire on corrective action progress for both the WWTP and safe drinking water in the area.

Regards,
Jenn

Jennifer S. Roushey
Environmental Program Administrator
Director's Office
DNREC – Division of Water
(302)739-9949

From: Greenwald, Michael [mailto:Greenwald.Michael@epa.gov]
Sent: Tuesday, January 02, 2018 2:09 PM
To: Ashby, Bryan A. (DNREC)
Cc: Roushey, Jennifer S. (DNREC)
Subject: Citizen's Complaint (FY18-165061-3800-CV)

Hi Bryan and Jennifer,

Please see the following complaint and address as necessary. I believe this has been an ongoing case involving drinking water, but if there is crossover into npdes please let me know.

Thanks,

Mike

-----Original Message-----
12/20/2017 12:02 PM
HQ LEAD NUMBER: FY18-165061-3800-CV
SUBJECT: Referred to Region - Delaware
FROM: Personal Matters / Ex. 6
TO:
Name: Personal Matters / Ex. 6

Address: Personal Matters / Ex. 6
City: Personal Matters / Ex. 6
State: Delaware
Zip: Personal Matters / Ex. 6
Phone: Personal Matters / Ex. 6

Alleged Violator's Name: Mountaire

Alleged Violator's Address: 29005 John J Williams Hwy

Alleged Violator's City: Millsboro

Alleged Violator's State: Delaware

Alleged Violator's Zip: 19966

Tip or Complaint: I have documents, videos , pictures etc . How can I get these to you? Personal Matters / Ex. 6 recent water sample. The nitrates are 25 and the water does not meet water quality standards for nitrates and coliform. Mountaire put a water treatment system in her home as part of the consent order from 2003. Obviously, there are problems here and public health concerns. I sent some still shots and video to DNREC, as I had great concerns about violations from operating the sprayfields in conditions that were causing runoff and windy conditions. I asked DNREC if these were violations of their permit. I also submitted still shots and video of solids coming out of the end of the sprayers, which the neighbors said gagged them and was being sprayed very close and blowing onto their property. I have the 20-page NOV and am requesting that this be investigated. They were not given permission , nor does their permit allow solids to be sprayed from the end of the sprayers. There was also sampling done at the wrong sampling locations and diversion of pipes from the pond to the pivots. I am wondering per Delaware code if may be criminal, beyond permit overages and the EPA's thoughts on this. This is an EJ community and now there are numerous wells contaminated and serious health concerns - from miscarriages to seizures, birth defects, asthma, COPD -among many others. A 24 yr old died on Herbert Lane. The contamination has spread way beyond Herbert Lane now. Some links to articles: Mountaire offers to dig new wells for 88 neighbors - The News Journal www.delawareonline.com/story/news/local/2017/12/.../mountaire.../957918001/ 4 days ago - The Sussex County chicken plant accused of polluting groundwater near Millsboro now says it will pay to dig deeper wells for 88 of its neighbors or connect them to a public water supply.Mountaire Farms made the announcement Friday evening in a release to local media. A spokesman for the company ... Millsboro-area neighbors don't trust Mountaire to ... - The News Journal www.delawareonline.com/story/news/local/2017/12/...mountaire.../944250001/ Dec 12, 2017 - Millsboro-area residents are saying no thanks to nitrate removal systems from MountaireFarms, which may have polluted their wells. Poisoned wells found near Sussex chicken plant - The News Journal www.delawareonline.com/story/news/local/2017/11/30/...mountaire.../911645001/ Nov 30, 2017 - A number of private wells near a Millsboro-area poultry processing plant that was recently cited for polluting the groundwater have been found to be dangerously contaminated, according to state regulators. Water in 14 of 16 recently tested wells just south of a Mountaire Farms plant contains more nitrates ... Tainted water: 'I won't even give it to my dog' - The News Journal www.delawareonline.com/story/news/local/2017/12/08/...how.../926204001/ Dec 8, 2017 - Personal Matters / Ex. 6 never gave much thought to the poultry processing plant a little more than a mile from her home, other than holding her nose from the stench. But after her son, Personal Matters / Ex. 6 was born in June without a left ear or even an ear canal, Personal Matters / Ex. 6 couldn't help but wonder if living so close toMountaire ... DNREC finds high levels of fecal coliform at ... - The News Journal www.delawareonline.com/story/money/business/2017/.../mountaire.../848548001/ Nov 10, 2017 - Mountaire Farms is facing fines and other sanctions for polluting the groundwater near its Millsboro-area plant at levels several thousand times the legal limit, according to state regulators. The health risk is so severe that the state is requiring Mountaire to supply bottled water and drinking water treatment to ... Mountaire withdraws application to expand Millsboro facility www.delmarvanow.com/story/news/local/delaware/2017/.../mountaire.../767556001/ Oct 16, 2017 - (Photo: THE NEWS JOURNAL). CONNECTTWEETLINKEDINCOMMENTEMAILMORE.Mountaire has withdrawn its application for a coastal zone permit to expand its Millsboro facility. According to a DNREC release, the withdrawal was voluntary. "We are making this withdrawal at this time due to a recent ... Millsboro residents oppose Mountaire plant expansion www.delmarvanow.com/story/news/local/delaware/...mountaires.../623366001/ Aug 31, 2017 - A DNREC hearing at the Millsboro Civic Center Aug. 31 saw area residents in arms against an expansion of the nearby Mountaire plant.

Specific Directions: https://www.google.com/maps/place/Mountaire+Farms/@38.6011452,-75.2592361,15z/data=!4m12!1m6!3m5!1s0x0:0x1461afcd15ce40df!2sMountaire+Farms!8m2!3d38.6011452!4d-75.2592361!3m4!1s0x0:0x1461afcd15ce40df!8m2!3d38.6011452!4d-75.2592361

Violation Still Occurring? Yes

State DEP/DEQ/DEM Notified? Yes

Mike Greenwald
USEPA, Region 3
NPDES Enforcement Branch
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Philadelphia, PA 19103
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